



OAMI

NEWS

1

1997

European Commission Delegation
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STATE OF AFFAIRS OF THE FUNCTIONING OF THE OFFICE

Since September 1994, when the Office entered its provisional headquarters made available free of charge by the Spanish authorities, significant work has been undertaken by the OHIM team. Within 18 months an industrial property office has been created from scratch. This constitutes a kind of record, especially if one considers that the OHIM must function with a multilingual regime: trade mark applications are received in eleven languages and the Office works in Spanish, German, English, French and Italian.

The perspectives have also changed considerably. Whereas the generally accepted estimate before the opening of the Office was that we were to receive some 15,000 applications in 1996, a final count indicates that we have in fact received 43,193. This provisional figure may still vary by a few dozens, but it clearly shows that the success of the Community trade mark had been considerably underestimated by all. The volumes to be handled are actually almost three times larger than foreseen.

Such a difference between the estimate and reality had to have important consequences and the observers will have noticed that despite the significant efforts made by the personnel of the Office, we do encounter difficulties in handling such big numbers of dossiers, translations, mails and communications of all sorts. The present information note aims at providing current information on the situation of the Office and its perspectives and objectives.

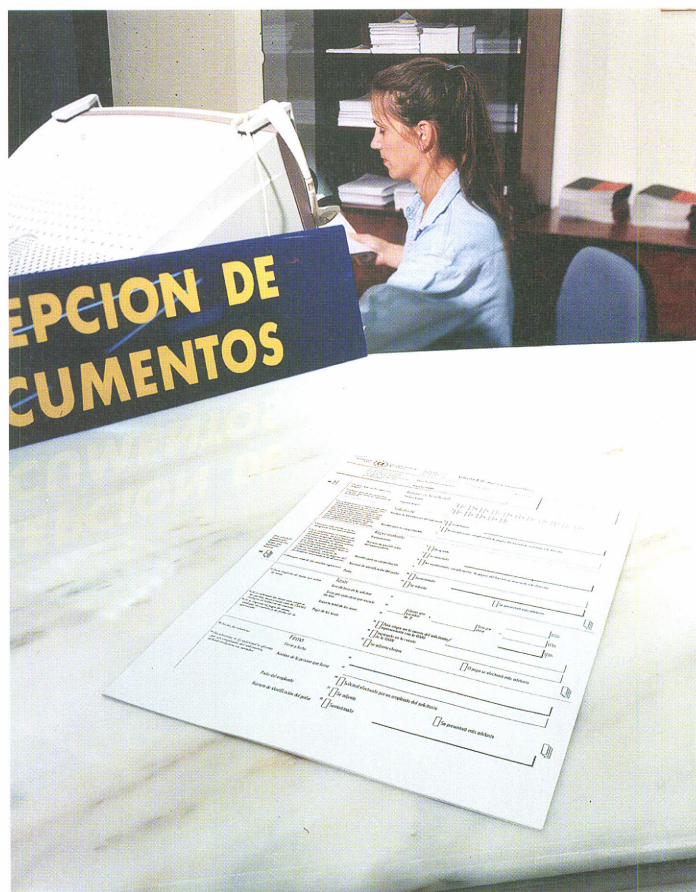
Coping with the avalanche of applications

The avalanche of applications only became a reality rather late. Of the more than 20,000 applications received up to 1 April 1996, approximately 10,000 were filed in the last week of March. Given the original estimates, in early April the examination, opposition and

cancellation divisions counted only a total number of 17 persons. All the available staff was of course immediately instructed to perform examination tasks which involved in the first place the assembly of files and the issuing of filing receipts. The mail-service was doubled already in mid March and participated in sending receipts.

Organizational measures

Several conclusions had to be drawn from this massive flow of applications. In order to make sure that all applications received equal treatment so that the clients can see that month after month their dossiers progress and that the delays are reduced, OHIM made the following choices :



Ufficio per l'Armonizzazione
nel Mercato Interno
(Marchi, Disegni e Modelli)

UAMI

Office de l'harmonisation
dans le marché intérieur
(marques, dessins et modèles)

OHMI

Office for Harmonization
in the Internal Market
(Trade Marks and Designs)

OHIM

Harmonisierungsamt
für den Binnenmarkt
(Marken, Muster und Modelle)

HABM

Oficina de Armonización
del Mercado Interior
(Marcas, Dibujos y Modelos)

OAMI

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- the Office's internal automatic trade mark handling system - called **EUROMARC** - was installed progressively from 1 May 1996 onward, which allows the Office to handle applications on-screen without relying on paper files,

- all applications are immediately scanned in order to have all elements in electronic form (this represents some 800,000 scanned pages to date) and the dossiers are being encoded as soon as possible (some 19,000 dossiers were sent out to an external firm for encoding in order to save time),

- the receipts for all applications had to be sent out as rapidly as possible; initially receipts were sent out immediately but progressively a delay of some two months built up (except for some hundreds of applications where we had actually encountered fax reception problems, these cases representing less than two percent),

- after having caught up with the issuing of receipts, important resources were allocated to other stages of the treatment of the dossiers: checking of payments, attributing a filing date,

pre-classification, sending to national offices for searches, asking for translations, etc.

Recruitment policy

The volume of work is so considerable that an important and rapid increase in personnel was necessary. This is achieved by the acceleration of the recruitment for the examination, opposition and cancellation divisions, it being understood that at this stage almost all agents are in charge of dealing with applications. At the beginning of this year, the number of persons dealing with examination matters was higher than 80, that is five times as much as in April. Furthermore, other services which play a direct part in the dossiers were also substantially reinforced (mail, general administration, information, etc.).

The rapid increase of personnel is, however, a difficult exercise. First of all, qualified personnel with working experience and language skills must be found. Secondly, one must first make sure that the training of newcomers is sufficient to allow them

to be fully operational (we must not only familiarize them with the Community trade mark system and the different procedural aspects of the examination, but also teach them to use in an optimal manner the **EUROMARC** system for the administration of applications). This theoretical and a practical training which is necessary before the staff can fully work on **EUROMARC** covers the equivalent of a full month per agent. The investment of the Office is thus considerable.

The third element is to maintain the cohesion of the team. A rapid increase of personnel is a destabilizing factor that must be kept under control. An even more rapid increase would not have been possible especially since we also maintain a high level of quality in the recruitment.

Available office space is yet another essential element in case of a rapid expansion. The provisional offices at our disposal are now filled to their capacity. The size of our main building is such that we were forced to transform a part of our garage into an



archive and storage room. Limitations following from available space have had an inevitable repercussion on our output. After a difficult search in a limited market, we have rented supplementary office space at two locations. The first will be available and equipped by the end of February. These additional facilities should be sufficient until we enter our permanent seat. The preparations for the first removal are under way.

Recruitment will of course be continued. Examiners are our top priority. At the end of 1997 the Office should have around 300 persons of which approximately 140 will do examination tasks (primarily examining applications, but also handling oppositions as necessary).

Adaptation of EUROMARC

Some observers were skeptical as regards our choice of computerizing the entire work procedures. They felt reinforced because of the difficulties we have encountered which they think are due to the computer system that was designed for 15,000 applications. This requires a clear answer. The development of a computer system such as EUROMARC is an unavoidable investment for an Office like ours which has to evolve in a multilingual environment. If we had tried to handle such a large number of files by hand, we would have had to face insurmountable difficulties. In fact, there is no realistic alternative to our EUROMARC system. The mere manipulation of such masses of paper (800,000 pages accumulated in 12 months), preparing and completing paper files, etc. would not have been possible in a traditional paper-based system. Finally, one should not forget that the manual treatment of files would have required a posteriori encoding of the generated data which is very costly in resources.

The computer equipment has of course been quite considerably reinforced. The infrastructure that we presently have includes the latest technology in scanning. Our central storage memory is 400 Gigabytes and all agents have their own PC (currently 228 work stations). This allows all examiners to work on-line on EUROMARC.

As to EUROMARC itself, it is being further developed and adapted on a permanent basis in order to integrate all the stages of the procedure such as changes in the files, oppositions,

etc. The software teams were doubled in the development area and for maintenance. An on the spot help desk designed to give immediate advice to the examiners was created.

Objectives for the immediate future

In 1997 we expect 22,000 new applications since the first year was somewhat exceptional. We should manage to scan and encode all new applications into EUROMARC within a week and send the receipt within a fortnight. This rhythm of work is close to attainment now. Filing dates will be given within two months by the middle of the year. In 1997 we plan to publish between 20,000 and 25,000 applications and 10,000 are planned to be registered.

We are conscious that these figures leave us with a significant volume of work in 1998. The increase in the working rhythm must however be progressive because we also need to maintain an adequate level of quality. The transparency of the applications will continue to be given through the

publication of our CD-ROM.

We intend to publish more than 40,000 applications and to register another 36,000 trade marks in 1998. This means that by the end of next year, the average time between filing and publication of a Community trade mark will be below one year except for cases which involve lengthy exchanges of correspondence.

Prospects

Our Office is faced by a formidable double challenge :

- it had to open its doors within 18 months, starting from nothing,
- it must now deal with three times as many applications than originally foreseen.

The first objective was attained. The second will also be fulfilled even if the time necessary will be longer than wished by us or by our clients. Our determination remains intact. In order to achieve our goals we shall continue to emphasize the quality of our work and its transparency.

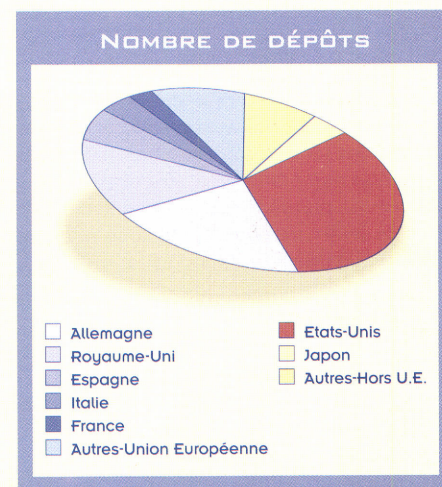
QUELQUES CHIFFRES SUR L'OHMI au 20 février 1997:

- 1) dépôts de marques communautaires
 - estimation du nombre de dépôts reçus en 1996: 43 193
 - estimation du nombre de dépôts reçus en janvier 1997: 1 624
 - répartition géographique des déposants sur base des dépôts encodés dans EUROMARC:

Union européenne:	26 344	58,21 %
Allemagne	7 991	17,66 %
Royaume-Uni	6 021	13,30 %
Espagne	2 945	6,51 %
Italie	2 353	5,20 %
France	1 761	3,89 %
Pays Bas	1 141	2,53 %
Suède	912	2,02 %
Danemark	744	1,64 %
Autriche	701	1,55 %
Belgique	669	1,48 %
Finlande	393	0,87 %
Irlande	296	0,65 %
Portugal	188	0,42 %
Luxembourg	144	0,32 %
Grèce	85	0,19 %

Hors Union européenne	18 915	41,79 %
dont :		
E.U.A	13 906	30,73 %
Japon	1 467	3,24 %
Suisse	1 000	2,21 %
Canada	496	1,10 %
Australie	291	0,64 %

- nombre d'accusés de réception envoyés: 43 644
- nombre de dates de dépôt accordées: environ 21 127



- 2) nombre de mandataires agréés auprès de l'OHMI : 4 769
- 3) nombre de comptes courants ouverts auprès de l'OHMI : 392
- 4) effectif de l'OHMI: 228

PUBLICACIÓN DE UN REPERTORIO DE LOS REPRESENTANTES AUTORIZADOS ANTE LA OAMI

En los próximos días, la Oficina de armonización del mercado interior pondrá a disposición del público, por el precio de 20 Ecus, un Repertorio de los representantes autorizados a actuar ante ella. La lista de representantes autorizados se presenta siguiendo el orden alfabético de los Estados miembros de la Comunidad Europea. Según la práctica de las instituciones comunitarias, el orden alfabético de los Estados miembros lo determina el nombre de cada Estado en su lengua oficial respectiva. Además se ha añadido el Benelux.

Los representantes autorizados vienen relacionados bajo el nombre del Estado

miembro en el que están facultados para representar a terceros en materia de marcas ante el servicio central de la propiedad industrial del Estado miembro de que se trate, según resulta de una certificación individual o en bloque expedida por tal servicio conforme a lo dispuesto en el apartado 3 del artículo 89 del Reglamento sobre la marca comunitaria.

La lista, en cuanto a nuevos inscritos, ha sido cerrada al 16 de octubre de 1996, pero los cambios han sido actualizados al 4 de febrero de 1997. Los representantes autorizados inscritos después de aquella fecha, así como los cambios posteriores al 4 de febrero, figurarán en la próxima edición.

Bajo el nombre de cada Estado miembro los representantes autorizados figuran en el orden alfabético nacional. Para cada uno de ellos se proporciona la siguiente información:

nombre y apellidos, presentados según las normas nacionales,

nacionalidad (con arreglo al código ISO

en dos letras),

nombre de la asociación de representantes (si está indicado en la solicitud),

dirección profesional (en caso de pluralidad de direcciones profesionales, sólo se señala la primera),

teléfono y telefax (si están indicados en la solicitud).

En lo que se refiere a las normas que gobiernan la representación profesional, las siguientes comunicaciones pueden ser consultadas en el Diario Oficial de la Oficina:

N.º 1/95, 18/9/1995 - DO n.º 1/95, p. 16

N.º 2/95, 12/12/1995 - DO n.º 2/3/95, p. 465

N.º 2/96, 22/3/96 - DO n.º 5/96, p. 590

N.º 4/96, 19/7/96 - DO n.º 9/96, p. 1272

Las nuevas inscripciones, cancelaciones y modificaciones de datos son publicadas regularmente en el Diario Oficial de la Oficina.

LE CD-ROM DE L'OHMI SUR LES DEMANDES DE MARQUES COMMUNAUTAIRES

Depuis le mois de juillet 1996, l'OHMI produit un CD-ROM mensuel, de nature informative, contenant l'ensemble des données relatives aux demandes de marques communautaires encodées dans EUROMARC, sa base de données interne. Ces données ne sont pas exhaustives et elles n'ont pas nécessairement fait l'objet d'une vérification.

Ce CD-ROM, qui n'est pas une publication officielle, ne doit pas être confondu avec le Bulletin des marques communautaires, dont le premier numéro devrait être disponible début mars prochain. Le Bulletin est, en effet, la seule publication officielle relative aux marques déposées à l'Office.

Il ne s'agit pas d'un produit "grand public" mais d'un produit destiné aux sociétés et cabinets qui sont susceptibles de fournir certains services tels que des recherches d'antériorités ou des services de surveillance et qui peuvent construire les programmes informatiques nécessaires à l'exploitation des données. Les offices nationaux reçoivent également le CD-ROM afin de remplir leur obligation légale d'information.

Pour obtenir le CD-ROM, les personnes intéressées par une exploitation commerciale des données doivent signer un contrat de licence dont le texte a été publié au Journal officiel de l'OHMI N° 9/96, page 1412. Des copies du contrat dans les 5 langues de l'Office peuvent être librement demandées à la section information. Le prix de la licence est de 5.000 écus pour l'année 1997 (cf. décision n° EX-96-9 du Président, Journal officiel de l'OHMI N° 12/96). A ce jour, 17 licences ont été signées avec l'OHMI.

Le format des données est décrit en annexe 1 de la licence. Il s'agit de fichiers plats sans logiciel de consultation. Pour pouvoir être consultées, les données doivent nécessairement être transférées dans une base de données du licencié. Il existe un fichier unique pour toutes les données bibliographiques des marques et des fichiers comportant les images en noir et blanc ou en couleur pour chaque marque figurative.

Chaque nouvelle version du CD-ROM remplace la précédente. Le CD-ROM est envoyé aux licenciés le dernier jour ouvrable de chaque mois. Ainsi, 7 numéros ont-ils pu être produits à ce jour. Le N° 1/97, dernier numéro paru, comporte plus de 42.000 marques dont près d'un tiers de marques figuratives.

USEFUL NUMBERS

- Standard telephone number:
+ 34-6-513 91 00
- General information telephone number:
+ 34-6-513 92 43; + 34-6-513 92 72
- General information fax number:
+ 34-6-513 91 73
Explanations concerning the application form, questions concerning the registration procedure (priority, seniority, fees, etc.), CD-ROM giving details of the CTM applications, request of documents/literature (leaflets, application forms including electronic filings, authorisations, opening of current accounts, reference guide to official texts, places where to buy the Official Journal of the Community, etc.).
- Fax for CTM applications and any correspondence relating to such applications, as well as for all other proceedings relating to CTMs (opposition, appeal, etc.):
+ 34-6-513 13 44
- Telephone information concerning means of payment
+ 34-6-513 93 40
Opening of current accounts, bank transfers, payments by cheques, etc.
- Telephone information about representation:
+ 34-6-513 91 17
List of professional representatives, new entries, allocation of ID numbers, authorisations, etc.
- Telephone information concerning certified copies:
+ 34-6-513 92 20
Fax request of certified copies:
+ 34-6-513 91 14
- Telephone information concerning publications:
+ 34-6-513 91 02
Information on OHIM's Official Journal, the Bulletin of CTM, etc.